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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91202517
Party	Defendant Williams, Tennyson, Dettman, Tammy
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:  
Application Serial No. 85/343217  
Published in the *Official Gazette*  
November 1, 2011

RED ROBIN INTERNATIONAL, INC.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91202517
	)	
TENNYSON WILLIAMS and TAMMY DETTMAN	)	Serial No. 85/343217
	)	
Applicants.	)	

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicants, Tennyson Williams and Tammy Dettman, for Applicants' answer to the Notice of Opposition filed by Red Robin International, Inc. against application for registration of Applicants' trademark YUMMY ME in classification No. 43, Serial No. 85/343217 filed June 10, 2011, and published for opposition on November 1, 2011, plead and aver as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicants do not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly deny the allegations.
2. Answering paragraph 2 of the Notice of Opposition, Applicants do not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly deny the allegations.
3. Answering paragraph 3 of the Notice of Opposition, Applicants admit the allegations thereof.

4. Answering paragraph 4 of the Notice of Opposition, Applicants do not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly deny the allegations.

5. Answering paragraph 5 of the Notice of Opposition, Applicants do not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly deny the allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicants admit that Applicants' mark consists of the words "YUMMY ME". However, Applicants deny each and every remaining allegation contained therein.

7. Answering paragraph 7 of the Notice of Opposition, Applicants admit that Applicants have applied to register the mark "YUMMY ME" for "Restaurant Services; Café Services, Snack Bar Services; Carry-Out Food Services including the sale of cupcakes" in international class 43.

8. Answering paragraph 8 of the Notice of Opposition, Applicants deny each and every allegation contained therein.

9. Answering paragraph 9 of the Notice of Opposition, Applicants deny each and every allegation contained therein.

10. Answering paragraph 10 of the Notice of Opposition, Applicants deny each and every allegation contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicants deny each and every allegation contained therein.

12. Answering paragraph 12 of the Notice of Opposition, Applicants deny each and every allegation contained therein.

13. Applicants further affirmatively allege that as a result of their continuous substantial usage of their mark YUMMY ME since adoption, this mark is a valuable asset of Applicants and carries considerable goodwill and consumer acceptance of its products sold under the mark. Such goodwill and widespread usage has made the mark distinctive to the Applicants.

14. Applicants further affirmatively allege that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicants' mark and the pleaded marks of Opposer are not confusingly similar.

15. Applicants further affirmatively allege that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicants' mark and the pleaded marks of Opposer are not confusingly similar. Any similarity, if at all, between Applicants' mark and the pleaded marks of Opposer is in the portion "Yum" which, upon information and belief, has been used and registered by numerous third parties in the food and restaurant businesses. As a result, opposer cannot base any similarity between its pleaded marks and the mark of Applicants of the "Yum" portion. Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods and services indicated and any other use would not lead to a likelihood of confusion.

16. Applicant further affirmatively alleges that Opposer's mark "Yummm" is or has become generic for inexpensive, low quality or commercialized versions of items and therefore cannot have meaning as a trademark.

17. Applicant further affirmatively alleges that Applicant has been using its mark and developing consumer recognition and goodwill in its mark for several



years and Opposer has done nothing and is consequently barred by laches, acquiescence and estoppel from opposing Applicants' application.


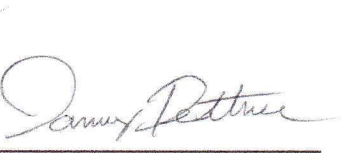
18. Applicant further affirmatively alleges that there is no likelihood of dilution of Opposer's mark by tarnishment because Opposers marks are associated with inexpensive, low quality or commercialized versions of items whereas Applicants' mark is associated with high quality gourmet products.

19. Applicant further affirmatively alleges that there is no likelihood of dilution by blurring because Opposer's and Applicants' marks are not sufficiently similar, there are, upon information and belief, numerous uses and registrations of third party marks with the "Yum" formative; neither Applicant nor Applicants' predecessors in interest intended any association with Opposer's marks or any of them; and upon information and belief, ordinary prospective purchasers of Applicants' products do not associate Applicants' and Opposer's marks.

WHEREFORE, Applicant requests that the notice of opposition be dismissed, Applicants' application be approved in Class 43, and the mark be granted registration in Class 43.

Respectfully submitted,

Tennyson Williams and Tammy Dettman

By:  

Tennyson Williams & Tammy Dettman  
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Date: December 21, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Applicants' Answer to Notice of Opposition has been served upon opposing counsel by mailing said copy on December 21, 2011, via First Class Mail, postage prepaid to:

Kevin S. Constanza  
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701 Fifth Avenue, Suite 5400  
Seattle, Washington 98104

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Tennyson Williams